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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,424	01/27/2004	Douglas F. Beaven	beaven01.002	1530
25247	7590	05/14/2007	EXAMINER	
GORDON E NELSON PATENT ATTORNEY, PC 57 CENTRAL ST PO BOX 782 ROWLEY, MA 01969			DESHPANDE, KALYAN K	
		ART UNIT	PAPER NUMBER	
		3623		
		MAIL DATE		DELIVERY MODE
		05/14/2007		PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/765,424	BEAVEN ET AL.
	Examiner	Art Unit
	Kalyan K. Deshpande	3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 23 February 2007.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 4-10 and 37-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 4-10 and 37-43 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on January 30, 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Introduction***

1. The following is a final office action in response to the communications received on February 23, 2007. Claims 4-10 and 37-43 are now pending in this application.

### ***Response to Amendments***

2. No amendments to the claims have been submitted with the response filed on February 23, 2007.

### ***Response to Arguments***

3. Applicants' arguments filed on February 23, 2007 have been fully considered, however, are not found persuasive. Applicants argue i) Examiner's objection to claim 43 is without basis, ii) Bhaskaran fails to teach "representation of the model", "model entities", "hierarchies", and "graphical user interface" of claim 37, and iii) Bhasakran fails to teach several claims dependant on claim 37.

In response to Applicants' argument Examiner's objection to claim 43 is without basis, Examiner respectfully disagrees. Examiner acknowledges the permissibility of Beauregard claims and the elements that comprise a Beauregard claim. Although claim 43 has elements of a Beauregard claim, claim 43 also has elements of an improper dependent claim. Claim 43 is dependent on claim 37. Claim 43 and claim 37 recite different statutory classes, thus claim 43 is improperly dependant on claim 37. For the reasons discussed above, Examiner maintains that the objection to claim 43 is proper.

In response to Applicants' argument Bhaskaran fails to teach "representation of the model", "model entities", "hierarchies", and "graphical user interface" of claim 37,

Examiner respectfully disagrees. Bhaskaran explicitly teaches these features, as is discussed below in the rejection of claim 37. In reference to the element of “representation of the model”, Bhaskaran teaches a method which represents a model to manage supply chain activities. Figure 1 shows a model of how the organization of the entities within the supply chain system are hierarchically linked. In reference to the element “model entities”, each of the participants in the Bhaskaran (such as disk vendor or motor vendor) are model entities. In reference to the element “hierarchies”, each of the participants are hierarchically aligned from vendors to distributors. In reference to the element “graphically user interface”, Applicants rely on the argument that Bhaskaran fails to teach the elements discussed above therefore cannot provide a graphical user interface to perform operations on the features discussed above. As is discussed above, Bhaskaran does teach these features and further teaches a graphical user interface that allows user to manipulate data corresponding to each of these features.

In response to Applicants’ argument Bhaskaran fails to teach several claims dependant on claim 37, Examiner respectfully disagrees. Applicants specifically argue Bhaskaran fails to teach the claims dependant on 37 because Bhaskaran fails to teach specific features of claim 37. Examiner reiterates the responses to these arguments from the discussion above with regard to claim 37. Applicants further make broad allegations of patentability of the claims dependant on claim 37 without specifically pointing out how the language of the claims patentably distinguishes them from the references. These arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without

specifically pointing out how the language of the claims patentably distinguishes them from the references.

***Claim Objections***

4. Claim 43 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 43 appears to be dependant on claim 37. As a dependant claim of claim 37, claim 43 should be a system claim. However, it appears that claim 43 is attempting to switch statutory classes, rendering claim 43 as an improper dependant claim.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 4-10 and 37-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhaskaran et al. (U.S. Patent No. 6157915).

As per claim 4, Bhaskaran teaches:

The system set forth in claim 37, wherein:

The model further includes representations of further information (see column 5 lines 25-40; where the model includes documents that contain further information.); and

The interface permits the person to access the further information (see column 6 lines 24-45; where access control for each of the entities is set such that the entities can access and provide information for their relevant role.).

As per claim 5, Bhaskaran teaches:

The system set forth in claim 4 wherein:

The interface further permits the collaborator to modify the further information (see column 5 lines 50-67 and column 6 lines 1-45; where access to the model entity are set forth through the graphical user interface. The collaborator with the proper permissions can add, change, or modify the business scenarios.)

As per claims 6-10, Bhaskaran does not expressly teach the specific data of "a document", "a message", "an alert", "a reminder", or "a discussion"; however, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP § 2106.

As per claim 37, Bhaskaran teaches:

A system for supporting management of a collaborative activity by persons involved therein, the persons not being specialists in information technology and the system comprising:

A representation of a model of the collaborative activity (see column 3 lines 42-59 and figure 1; where a model for a collaborative activity is disclosed. The activity in this example is the supply chain for computer storage products.), the model of the collaborative activity including model entities that are organized into hierarchies and provide access to information concerning the collaborative activity (see column 3 lines 42-59 and figure 1; where the model entities are organized in a hierarchical model in order to coordinate the workflow between the entities.),

The model entities having types including:

A goal model entity type, model entities of the type representing goals and/or projects of the collaborative activity (see column 3 lines 60-67, column 4 lines 14-29, and figures 1 and 5; where the goal entity is the distributor. All other entities on this model promote work until it reaches the goal entity the distributor.) and

An initiative model entity type, model entities of the type serving to relate goal model entities across the model (see column 3 lines 60-67, column 4 lines 14-29, and figures 1 and 5; where sub-assemblers and final assemblers are initiative model entity types that feed final products to the goal entity the distributor.), and

The hierarchies including

A goal hierarchy whose members include at least one goal model entity, a given goal model entity belonging to only a single goal hierarchy (see column 3 lines 60-

67, column 4 lines 14-29, and figures 1 and 5; where the goal entity is the distributor.

All other entities on this model promote work until it reaches the goal entity the distributor.) and

An initiative hierarchy whose members include at least one initiative model entity, each initiative model entity being capable of having as children one or more initiative model entities and/or one or more goal model entities from one or more of the goal hierarchies (see column 3 lines 60-67, column 4 lines 14-29, and figures 1 and 5; where sub-assemblers and final assemblers are initiative model entity types that feed final products to the goal entity the distributors. Final assemblers have children entities, such as the sub-assembler entities.); and

A graphical user interface for the system which the processor provides to the persons, the graphical user interface permitting a person of the persons to perform operations on a model entity including creating, modifying, and/or deleting the model entity, assigning the model entity to a parent in the hierarchy, accessing and/or modifying the information concerning the collaborative activity via the model entity, and viewing model entities in a hierarchy of the hierarchies to which the model entities belong (see column 5 lines 10-49, column 6 lines 7-45, and figures 2-4; where a user interface is provided to users of the system. Users with the necessary permissions can create, modify, or delete business scenarios. In this case, a business scenario is the same as creating, modifying, or deleting a model entity included in the business scenario. When creating a business scenario, the user can assign parent and child entities to the scenario.).

Bhaskaran fails to explicitly teach "the representation being accessible to a processor". Examiner takes Official Notice that it is old and well-known in the art to submit a model to be executed by a processor. The advantage of submitting a model to a processor is that it expedites the processing of the model. It would have been obvious, to one of ordinary skill in the art, to submit a model to a processor in order to expedite the processing of the model, which is a goal of Bhaskaran (see column 1 lines 33-39).

As per claim 38, Bhaskaran teaches:

The system for supporting management of a collaborative activity set forth in claim 37 wherein:

The model entity types further include a domain model entity type, model entities of the type serving to relate goal hierarchies across the model (see column 3 lines 60-67, column 4 lines 14-29, and figures 1 and 5; where sub-assemblers and final assemblers are domain model entity types that feed final products to the goal entity the distributors.); and

The hierarchies further include a domain hierarchy whose members include at least one domain model entity, each in domain model entity being capable of having as children one or more domain model entities and/or one or more goal hierarchies (see column 3 lines 60-67, column 4 lines 14-29, and figures 1 and 5; where sub-assemblers and final assemblers are domain model entity types that feed final products to the goal entity the distributors. Final assemblers have children entities, such as the sub-assembler entities.).

As per claim 39, Bhaskaran teaches a graphical user interface displaying entities of the hierarch (see column 5 lines 10-49, column 6 lines 7-45, and figures 2-4; where a user interface is provided to users of the system. Users with the necessary permissions can create, modify, or delete business scenarios. In this case, a business scenario is the same as creating, modifying, or deleting a model entity included in the business scenario. When creating a business scenario, the user can assign parent and child entities to the scenario.). However, Bhaskaran does not expressly disclose wherein “a simultaneously visible second part in which a model entity selected by the user from the hierarchy is viewed”. However, a second visible part which shows specific detailed information from the first visible part is old and well known in the art. The “a simultaneously visible second part in which a model entity selected by the user from the hierarchy is viewed” is mere design choice and does not affect the underlying functionality associated with the system. See MPEP §2144.04, IV, section B. The advantage of this feature is that it increases a user’s efficiency in using the system by providing general and specific information simultaneously. It would have been obvious, at the time of the invention, to one of ordinary skill in the art to incorporate the feature of “a simultaneously visible second part in which a model entity selected by the user from the hierarchy is viewed” to Bhaskaran in order increase the efficiency that a user can use the system, which is a goal of Bhaskaran (see column 1 lines 33-39)

As per claim 40, Bhaskaran teaches:

The system for supporting management of a collaborative activity set forth in claim 37 wherein:

Any of the model entities is capable of providing access to information concerning the collaborative activity (see column 6 lines 24-45; where access control for each of the entities is set such that the entities can access and provide information for their relevant role.).

As per claim 41, Bhaskaran teaches:

The system for supporting management of a collaborative activity set forth in claim 37 wherein the system further comprises:

Access control information accessible to the processor, the access control information controlling access by individual ones of the persons to individual ones of the model entities (see column 6 lines 24-45; where access control for each of the entities is set such that the entities can access and provide information for their relevant role.);

The operations which the graphical user interface performs for a given person on a given model entity are determined by the access control information for the given person and the given model entity (see column 6 lines 24-45; where access control for each of the entities is set such that the entities can access and provide information for their relevant role.); and

The operations which the graphical user interface will perform include controlling access to the model entity (see column 5 lines 50-67 and column 6 lines 1-45; where access to the model entity are set forth through the graphical user interface.).

As per claim 42, Bhaskaran teaches:

The system for supporting management of a collaborative activity set forth in claim 37 wherein:

The operations which the graphical user interface performs includes viewing model entities as ordered by a value in the information concerning the collaborative activity to which the model entities give access (see column 6 lines 24-45; where the graphical interface sets forth the entities order by value of the information. The example given describes the order from one end of a supply chain starting at a supplier all the way to the goal entity the distributor.).

As per claim 43, Bhaskaran teaches:

A data storage device, the data storage device being characterized in that:

The data storage device contains a program which, when executed in a computer system, implements the system set forth in claim 37 (see column 2 lines 57-67, column 3 lines 1-5, and column 5 lines 1-11; where all of the collaborative information can be stored on proprietary databases.)

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kalyan K. Deshpande whose telephone number is (571)272-5880. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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